

Mr. Grimes moved to take up the resolution of the House to adjourn sine die on the 6th February. \* Lost.

Mr. Stockdale moved to adjourn until 10 o'clock to-morrow morning, which was carried by the following vote :

YEAS—Messrs. Blanch, Britton, Dickinson, Fall, Gentry, Herbert, Hyde, Martin, Rains, Rainey, Scarborough, Sims, Stockdale, Throckmorton, Townes and Walker—16.

NAYS—Messrs. Chambers, Erath, Grimes, Guinn, Harman, Lott, Parsons, Paschal, Pitts, Potter, Quinan, Schleicher, Shepard and Wallace—14.

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WEDNESDAY, January 25th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a joint resolution instructing our Senators and requesting our Representatives to use their influence to procure the incorporation of Capt. John G. Tod, of the late Navy of Texas into the Navy of the United States.

And a bill to incorporate the Houston Gas Company. Correctly engrossed.

Mr. Erath presented the petition of citizens of Lampasas county in reference to the boundary lines of said county. Referred to the committee on Counties and County Boundaries.

Mr. Rains presented the petition of sundry citizens of Wood county in reference to the boundary lines of said county. Referred to the committee on Counties and County Boundaries.

Mr. Guinn presented the petition of sundry members of the bar of Cherokee county relating to executions. Referred to the committee on the Judiciary.

Mr. Townes offered the following resolution :

*Resolved*, That the committee on Finance, be instructed to enquire into the expediency or propriety of increasing the salary of the accomptant in the Comptroller's office and report by bill or otherwise. Read and referred to the committee on Finance.

A message was received from the House, that the House had passed the following bills:

A bill to amend an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 16th, 1858, " with an amendment."

A bill to incorporate a Literary Institute of Gilmer, Upshur county.

A bill authorizing certain counties to levy and collect an additional tax for the purpose of erecting county buildings.

A bill for the relief of the heirs of Shelby Corzine.

A bill for the relief of J. C. Spence.

A bill appropriating four hundred dollars to pay the pension of Joseph E. Fields.

A bill authorizing the county court of Henderson county to levy a special tax.

A bill to amend the 20th section of an act to incorporate the Memphis El Paso and Pacific Railroad Company, and asking that the Senate return to the House, a bill to incorporate Lodge No. 36, I. O. O. F. at Clarksville, which request was granted and bill returned to House of Representatives.

And a bill supplementary to an act to authorize the appointment of commissioners to take the acknowledgements of deeds, depositions, and other instruments of writing, executed out of this State, approved May 8th, 1846.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, have examined the following bills:

A bill for the relief of George W. King.

A bill legalizing the colony certificate of John Gochman.

A bill to incorporate the Alamo College.

And a bill to incorporate the San Antonio Female College.

They have found the said bills correctly enrolled and properly signed and they this day presented the same to the Governor.

Mr. Erath, from the committee on Counties and County Boundaries, to whom was referred a bill to create a new county in the fork of Red River, reported that they had agreed to name it Greer, in honor of the Hon. John A. Greer one of the patriots of Texas, and recommending the adoption of the name and the passage of the bill.

Mr. Erath, from the committee on Counties and County Boundaries, to whom was referred a bill to change the south boundary lines of Smith county, from the Neches river, to Mud creek, reported the bill to the Senate and recommended its passage.

Mr. Herbert, chairman of the committee on Roads, Bridges and Ferries, made the following reports :

The committee on Roads, Bridges and Ferries, to whom was referred a House bill to incorporate the Sulphur and White Oak

Bridge and Plank Road Company, have considered the same, and return it to the Senate and recommend its passage.

The committee on Roads, Bridges and Ferries, have considered a House bill to incorporate the East Fork Bridge Company. The committee recommend the adoption of the accompanying amendments and the passage of the bill.

Amend section 6, by adding after the word "horse" or "carriage" and provided all persons passing with loose stock of any kind shall not be compelled to cross such stock on the bridge.

Amend section 8, by adding, and in case of failure to keep the bridge or road across the bottom and in good repair. The county court upon satisfactory proof may issue an order to keep open the gates of said company, and no toll shall be collected until the necessary repairs have been made.

The committee on Roads, Bridges and Ferries, to whom was referred a bill to incorporate the Rock Ford Bridge Company, have considered the same. The committee herewith report the bill back with amendments to the 6th and 8th sections, and recommend the adoption of the amendments, and the passage of the bill.

Amend section 6th, in last line after "horse" add "or carriage" and provided that persons passing with loose stock of any kind shall not be compelled to cross such stock on the bridge.

Amend section 8th, by adding, "and in case of failure to keep the bridge or road across the bottom in good repair.

The county court upon satisfactory proof may issue an order to keep open the gates of said company, and no tolls shall be collected until the necessary repairs have been made.

Mr. Shepard, chairman of the committee on State Affairs, to whom was referred a bill to defray expenses for the protection of the frontier, returned the bill to the Senate and recommended that it be referred to the committee on Finance, as being the proper committee for the consideration of so important a bill.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred the bill for the relief of the Buffalo Bayou Brazos and Colorado Railway Company, and the Houston Tap and Brazoria Railway Company, reported the same to the Senate and recommended its passage with the following amendment:

Strike out all after "company" in third line of caption.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred an act to incorporate the Brazos St. Iago Harbor and Rio Grande River Canal Company, reported

the same to the Senate and recommended its passage, with the following amendment :

Section 11. That the franchises herein granted shall cease and determine at the end of ninety-nine years, and that this act take effect and be in force from and after its passage.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred a resolution requesting the committee to take into consideration the propriety of encouraging the construction of canals by donations of land, on the basis of the land donations to railroads, and to report by bill or otherwise, reported the approval by the committee of the object of the resolution and the accompanying bill and recommended its passage.

A bill to encourage the construction of canals in the State of Texas. Read 1st time.

Mr. Paschal, chairman of the committee on Internal Improvements, to whom was referred a bill to incorporate the Texas Telegraph Company, reported the same to the Senate and recommended its passage with the following amendments :

Strike out the 14th section.

Number sections 15, 16, 17, 18 and 19—14, 15, 16, 17 and 18 respectively.

Mr. Pitts, chairman of the committee on the Land Office, to whom was referred a bill to authorize the commissioner of the General Land Office, to introduce the DeRyee method of printing and multiplying maps and drawings &c., or to establish a Photographic Bureau, reported the bill, and recommended its passage.

Mr. Britton introduced a bill to incorporate the Corpus Christi Bay and Brazos St Iago Harbor Canal. Read 1st time.

Mr. Paschal introduced a bill to incorporate the Marcellina Bridge and Manufacturing Company. Read 1st and 2nd times and referred to the committee on Roads, Bridges and Ferries.

Mr. Britton introduced a bill to authorize the county court of Nueces to levy a special tax. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Throckmorton introduced a bill to validate the county seal of Young county. Read 1st time, rule suspended, read 2nd time and ordered to be engrossed.

On motion of Mr. Throckmorton, the rule was further suspended, bill read 3rd time and passed.

Mr. Stockdale introduced a bill to authorize the Governor to cause certain volunteers who engaged in the defence of Brownsville to be paid. Read 1st and 2nd times and referred to committee on the Militia.

Mr. Scarborough introduced a bill for the relief of certain per-

Mr. Britton introduced a bill to incorporate the Ingleside College on Corpus Christi Bay. Read 1st and 2nd times and referred to the committee on the Militia.

sons therein named. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Pitts introduced a bill for the relief of Wm. G. McDaniel. Read 1st and 2nd times and referred to the committee on Private Land Claims.

On motion of Mr. Grimes, a bill making appropriations to defray the expenses of the State Penitentiary was taken up. Read 2nd time, amendments of the committee were adopted.

On motion of Mr. Hart, the bill was made the special order for Saturday the 28th inst.

#### ORDERS OF THE DAY.

A bill to apportion the State of Texas into Senatorial and Representative districts.

The question being upon the motion to reconsider the vote which adopted the amendments reported by the committee, which was lost by the following vote :

YEAS—Messrs. Blanch, Dickinson, Fall, Lott, Martin, Paschal, Rains, Rainey, Schleicher, Townes, Walker, Wallace and Whaley—13.

NAYS—Messrs. Britton, Chambers, Duggan, Erath, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Parsons, Pitts, Potter, Quinan, Scarborough, Shepard, Sims, Stockdale, and Throckmorton—19.

The question before the Senate, being a call for the previous question made on a previous day by Mr. Parsons, and yielded by him to Mr. Gentry, Mr. Parsons withdrew the call, which was renewed by Mr. Stockdale, upon which the yeas and nays were called and stood thus :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Harman, Herbert, Parsons, Pitts, Potter, Quinan, Scarborough, Shepard, Sims and Stockdale—19.

NAYS—Messrs. Fall, Hart, Hyde, Lott, Martin, Paschal, Rains, Rainey, Schleicher, Throckmorton, Townes, Walker, Wallace and Whaley—14.

So the main question was ordered and the bill passed to a 3rd reading.

On motion of Mr. Shepard, the rule was suspended.

Mr. Rainey then offered the following amendment :

Amend as follows : Take Trinity county from the 11th district and add it to the 2nd.

Take Orange and Hardin from the 2nd and add them to the 1st.

Take Van Zandt from the 12th and add it to the 13th district, and take Henderson county from the 13th and add it to the 11th district, which was ruled out of order.

Mr. Throckmorton moved to strike out Panola and Harrison as the 16th and insert Cook and Wise as the 16th. Rejected.

Mr. Lott proposed the following amendment :

Amend the 27th district (Representative.) The chief justice of Henderson and Kaufman counties will make their returns to the chief justice of Van Zandt county. Adopted.

Mr. Stockdale offered the following amendment :

Insert in its proper place in the second section. The chief justice of Bexar county of the 30th Senatorial district. Adopted.

Mr. Whaley offered the following amendment :

Amend 18th S.Senatorial district so as to read : Leon Robertson, Brazos, Burleson and Madison. Lost.

Mr. Rainey offered the following amendment :

Take Trinity from the 11th district and add Henderson county, which was lost by the following vote :

YEAS—Messrs. Gentry, Hyde, Lott, Martin, Paschal, Rains, Rainey, Schleicher and Wallace—9.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Fall, Grimes, Guinn, Harman, Hart, Herbert, Parsons, Pitts, Potter, Quinan, Scarborough, Shepard, Sims, Stockdale, Throckmorton, Townes, Walker and Whaley—24.

Mr. Paschal offered the following amendment :

Strike out Attascosa from district No. 30, and add the same to district No. 31. Lost.

Mr. Martin offered the following amendment :

Strike Ellis out of the 19th and insert Hill. Lost.

Mr. Hall offered the following amendment :

The eleventh and twelfth lines in the first section to read as follows :

‘ The counties of Nacogdoches, Angelina and San Augustine.’  
Lost.

Mr. Rainey offered the following amendment :

Strike Jefferson from the 1st and add it to the 2nd, and take Polk county from the 2nd and add to the 1st.

On motion of Mr. Potter, the amendment was laid on the table.

Mr. Britton offered the following amendment :

Add Attascosa, Frio and Zavalla to 31st district.

Add Dimpitt and La Salle to 29th district. Adopted.

Mr. Fall offered the following amendment :

19th and 20th lines of the 3rd section to read No. 7. The counties of Nacogdoches and Angelina two Representatives.

Strike out the 21st and 22nd lines in 3rd section and change the numbers from No. 7, to correspond.

In the 18th line of 4th section, strike out eight and insert seven.

On motion of Mr. Lott, the amendment was laid on the table.

Mr. Townes offered the following amendment :

Amend by striking Hays from the 26th and adding it to the 31st Senatorial district. Lost.

Mr. Potter moved the previous question, which was ordered by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Martin, Parsons, Pitts, Potter, Quinan, Scarborough, Sims, Stockdale, Townes, Wallace and Whaley—25.

NAYS—Messrs. Lott, Paschal, Rains, Rainey, Schleicher, Throckmorton and Walker—7.

So the main question was ordered.

The bill was then passed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Parsons, Pitts, Potter, Quinan, Scarborough, Schleicher, Sims, Stockdale, Throckmorton, Townes and Whaley—25.

NAYS—Messrs. Lott, Martin, Paschal, Rains, Rainey, Walker and Wallace—7.

A bill to incorporate the Air-line Railroad Company, on the concurrence in the amendment of the House.

Mr. Throckmorton moved to adjourn until 10 o'clock, to-morrow morning. Lost.

Ms. Erath moved to adjourn until 7 o'clock P. M. Carried by the following vote :

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Guinn, Herbert, Hart, Lott, Martin, Potter, Quinan, Stockdale, Throckmorton, Walker and Whaley—16.

NAY—Messrs. Blanch, Fall, Gentry, Grimes, Harman, Hyde, Parsons, Paschal, Pitts, Rains, Rainey, Schleicher, Shepard, Sims, Townes and Wallace—16.

The President voted yea.

7 O'CLOCK, P. M.

Senate met—roll called—quorum present.

The question before the Senate being on the concurrence of the Senate in the amendment of the House to Senate's bill to incorporate the Air-line Railroad.

On motion of Mr. Throckmorton, the amendment was laid on the table for the present, in order that the following House bills might be read and referred to their appropriate committees:

A bill supplementary to an act to authorize the appointment of commissioners to take the acknowledgement of deeds, depositions, and other instruments of writing executed out of this State, May 8th, 1846. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill to prevent judgments from becoming dormant. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill for the relief of Mrs. William Gamble late widow of John Carroll. Read 1st and 2nd times and referred to the committee on Claims and Accounts.

A bill to incorporate a Literary Institute at Gilmer in Upshur county. Read 1st and 2nd times and referred to the committee on Education.

A bill for the relief of J. C. Spence. Read 1st and 2nd times and referred to the committee on Public Debt.

A bill to amend the 20th section of an act to incorporate the Memphis, El Paso and Pacific Railroad Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill for the relief of the heirs of Shelby Cozine. Read 1st and 2nd times and referred to the committee on Private Land Claims.

The following bills were severally read 1st and 2nd times and referred to the committee on Finance.

A bill authorizing the county court of Henderson county to levy a special tax.

A bill appropriating four hundred dollars to pay the pension of Joseph E. Fields.

A bill authorizing certain counties to levy and collect additional tax for the purpose of erecting county buildings.

Mr. Lott moved to take up a bill to pay certain persons for arresting John T. Shanks, and procuring testimony against him, on the amendments of the Senate, to which the House refused to concur.

On motion of Mr. Guinn, the Senate refused to recede.

And Messrs. Lott, Hart and Guinn, were appointed a committee of conference on said bill on the part of the Senate.

Mr. Hart, from the committee on the Judiciary, to whom was referred a bill to require the paymaster for the troops on the Rio Grande, to receive pay for arms and other necessary articles fur-



nished by individuals, reported the same, and requested that it be referred to the committee on the Militia.

Which report on motion of Mr. Hart, was taken up and adopted.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,

January 26th, 1860.

GENTLEMEN OF THE SENATE

AND HOUSE OF REPRESENTATIVES:

I have the honor to return to the Senate, in which it originated, the bill entitled an act to amend the eleventh section of the act of February 7th, 1853, entitled an act to incorporate the Galveston, Houston and Henderson Railroad Company, with my objections.

The amendment seeks to change that section which gives a controlling influence to three-fourths of the stockholders. It imposes new terms not known to the charter, and which may place the entire control of the affairs of the company in the hands of a minority. By far the largest portion of the capital stock of our enterprises, must come from non-residents of the State, or at least from sections of the country not convenient to the place of meeting. The conditions upon which they subscribe when set forth in the charter should not be changed without their entire consent nor should a minority be allowed either, to either compel their attendance at unreasonable times, or suffer injury should they not do so. Every dollar invested in this company has the pledge set forth in the charter to secure it, and it would be a bad stroke of policy for our legislature to interfere to take away either the vested rights of the company or the guarantees upon which capital stocks have been invested remaining in its present shape, the condition can surely not result to the injury of any stockholder, while if the amendment is made it may result disastrously to the rights of many of them.

That portion of the amendment which compels the earnings of the road to be applied exclusively to the payment of Texas creditors, is if anything more objectionable. The legislature having granted a charter, has in my opinion no right to impose additional terms to the prejudice of any class of creditors, should this feature be engrafted in this charter, capital may well be alarmed, and the result will be that no aid will be obtained from foreign sources. These parties look to the legislature and to the officers of the State to enforce the provisions of the charter not to impair and destroy them, and it is alone by rigidly maintaining the terms of every act of incorporation, that we can inspire that confidence

which is necessary to insure the aid so much needed to push forward our enterprises. If after capital has been invested and individuals trusting in the charter have credited the company, the legislature steps in to confer especial privileges upon our own citizens it is idle to expect men of means abroad to assist us; good faith and justice demand that we should respect their rights.

The prosperity of every railroad enterprise in Texas, is in my opinion, dependent upon adhering to those principles of fairness and right which will regain the confidence of the community, lost on account of the wild speculations and impositions practiced by men who have had the control of our charters. This amendment will have a tendency to create distrust and impede the progress of other enterprises.

SAM HOUSTON.

Which was read and laid on the table.

On motion of Mr. Throckmorton, the bill to incorporate the Air-line Railroad with the amendment was taken up.

The question being on the concurrence of the Senate in the amendment.

Mr. Quinan moved the indefinite postponement of the bill.

A message was received from the House, that the House had passed the following Senate bills :

A bill to incorporate the Washington County Cotton and Woolen Manufacturing Company.

A bill to empower the Mayor and Aldermen and inhabitants of the city of Galveston to issue bonds for the construction of a bridge from Galveston island to the main land.

And a House bill to amend the 4, 8, 15, and 18, sections of an act to provide for the assessment and collection of taxes.

Upon Mr. Quinan's motion to indefinitely postpone the bill to incorporate the Air-line Railroad, the yeas and nays were as follows :

YEAS—Messrs. Duggan, Guinn, Harman, Hart, Herbert, Martin, Potter and Quinan—8.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Erath, Gentry, Grimes, Hyde, Lott, Parsons, Paschal, Pitts, Rains, Ruiney, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—22.

The question being upon the concurrence in the amendment was put and carried by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Guinn, Harman, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains,

Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—29.

NAYS—Mr. Hart—1.

On motion of Mr. Hart, the Senate adjourned until 10 o'clock A. M., to-morrow.

THURSDAY, January 26th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Parsons presented the petition of Robt. Wood for land. Referred to the committee on the Court of Claims.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill to incorporate the Navarro county Agricultural and Mechanical Association, correctly engrossed.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a House bill for the relief of William Drake, reported the same to the Senate and recommended that it do not pass. The bill permits the said Drake to peddle goods without paying a license therefor, which the committee believe to be impolitic and unconstitutional.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a House bill to release Catherine O. Wells and others (13 in number) from the disabilities of minority, also a House bill to release Thomas D. Rusk of Nacogdoches county and John W. Hamard of Lavaca county from the disabilities of minority, also a Senate bill to release John F. Mills from the disability of minority, reported that for reasons heretofore given on like bills they recommend that they do not pass.

Mr. Walker, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands have considered the bill to authorize pre-emption settlers to float their claims in certain cases; the committee instruct me to return the bill to the Senate with the following amendments, and to recommend the adoption of the amendments and the passage of the bill as amended.

Amend the first section by adding the following proviso thereto, to-wit:

Provided that the benefits of this act shall only extend to pre-emptionists heretofore settled, and who have remained in peaceable possession of their claims for land for five years.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following report: